

10/538239

Rec'd PCT 10 03 JUN 2005

## INTERNATIONAL SEARCH REPORT

International application No.

PCT/NZ2003/000269

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>		
Int. Cl. ?: A61M 16/00		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b>		
Minimum documentation searched (classification system followed by classification symbols)		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) DWPI + keywords: mouth oral shield seal vestib teeth intraoral diffus and similar terms		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4495945 A (LIEGNER) 29 January 1985 Whole document	1-5, 13, 15, 16, 20, 22, 23, 25, 27-33
Y	Whole document	7, 9, 12, 21, 24, 26
Y	US 2002/0069872 A1 (GRADON et al) 13 June 2002 Whole document	21, 24, 26, 43, 47, 48
Y	US 5590643 A (FLAM) 7 January 1997 Whole document	7, 9, 12
<input checked="" type="checkbox"/> Further documents are listed in the continuation of Box C		<input checked="" type="checkbox"/> See patent family annex
<p>* Special categories of cited documents:</p> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier application or patent but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p>		
Date of the actual completion of the international search 17 March 2004	Date of mailing of the international search report - 2 APR 2004	
Name and mailing address of the ISA/AU <b>AUSTRALIAN PATENT OFFICE</b> PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized officer <b>Sue Thomas</b> Telephone No : (02) 6283 2454	

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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	EP 1075848 A2 (FISHER & PAYKEL LTD) 14 February 2001 Columns 2-8	21-24
X	DE 19944242 A1 (DENTALLABOR NEGURESCU GmbH) 22 March 2001 Whole document	37
Y	WO 1990003199 A1 (FORENINGEN LIM) 5 April 1990 Whole document	1, 2, 12, 15, 16, 20, 27-30, 43, 47, 48, 50- 54
Y	WO 1995014507 A1 (BEUCHAT FRANCE) 1 June 1995 Whole document	1, 2, 12, 15, 16, 20, 27-30
Y	US 4895143 A (FISHER) 23 January 1990 Columns 4-6	50-52
Y	WO 1999058181 A1 (GOLDSTEIN) 18 November 1999 Pages 6-16	50, 51
Y	US 4098270 A (DOLBY) 4 July 1978 Whole document	50, 51, 53, 54

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**Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)**

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos :  
because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos :  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
  
3.  Claims Nos :  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

**Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

Mouthpiece or system including mouthpiece for oral delivery of gases having gas passageway through mouthpiece  
Claims 1-36 and means to diffuse gases at the patient receiving end  
Claims 43-49 and means to alter distance between a vestibular shield and an extra oral sealing means  
Claims 50-55 and nose attachment connected to upper edge of an extra oral sealing means  
Common feature of mouthpiece having gas passageway therethrough is not novel in light of WO 1990003199.

1.  As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3.  As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-36 and 37-42 (see below)  
As claims 37-42 could be searched without effort justifying additional fee, these claims were searched without inviting payment of an additional fee.

**Remark on Protest**

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

### **Information on patent family members**

**International application No.**

PCT/NZ2003/000269

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.